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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 FRANCIS X. DUMONT,

12 Plaintiff,

13 vs.

14 LEO A. DALY COMPANY,

15 Defendant.

Case No. 2:16-cv-02864-APG-PAL

**STIPULATION AND ORDER TO  
VACATE HEARING ON 11/14/2017,  
at 2:00 P.M., PURSUANT TO  
AGREEMENT OF PARTIES**

16 Defendant Leo A. Daly Company (“Defendant”) and Plaintiff Francis X. Dumont  
17 (“Plaintiff”), by and between their respective counsels, hereby stipulate and agree that the Hearing  
18 currently scheduled by this Court on Tuesday, November 14, 2017, at 2:00 p.m., be vacated  
19 pursuant to the Parties’ agreement resolving the pending motions. This stipulation is submitted and  
20 based upon the following:

21 1. On October 6, 2017, Defendant filed an Emergency Motion to Quash Subpoena  
22 (ECF No. 43), and an Emergency Motion for Protective Order to Preclude the Deposition of Leo  
23 A. Daly, III (ECF No. 44) (collectively the “Motions”).

24 2. On October 20, 2017, the Court issued a Notice of Hearing setting the Motions for  
25 Hearing on November 14, 2017, at 2:00pm.

26 3. After further meet and confer efforts, the Parties have agreed to resolve the discovery  
27 disputes at issue in the Motions and stipulate as follows:

28 a. As to the Motion to Quash Subpoena (ECF No. 43), the parties stipulate and

1 agree that Defendant will produce the following records no later than 5:00p.m., on November 15,  
2 2017: all Incentive Compensation Plan ("ICP") Calculation Sheets, for Fiscal Years Ending 2012-  
3 2014, for all ICP participants in Defendant's Las Vegas and Omaha Offices; and, Plaintiff will  
4 forego seeking production of emails identified in Defendant's Privilege Log that was produced in  
5 response to Plaintiff's Requests for Production of Documents (all other records sought by Plaintiff's  
6 subpoena were produced in discovery);

7 b. As to the Motion for Protective Order to Preclude the Deposition of Leo A.  
8 Daly, III (ECF No. 44), the parties stipulate and agree that Defendant will not call Mr. Leo A. Daly,  
9 III, as a witness nor seek to offer his testimony in this case; and Plaintiff will no longer seek to take  
10 Mr. Daly's deposition;

11 c. The Motions and all disputed subjects therein are resolved by the Parties'  
12 stipulation and agreement; and,

13 d. The Parties stipulate and respectfully request the Court vacate the Hearing  
14 set on Thursday, November 14, 2017.

15 Dated this 13th day of November, 2017.

16 PAUL PADDA LAW, PLLC

JACKSON LEWIS P.C.

17  
18 /s/ Paul S. Padda

19 Paul S. Padda, Bar No. 10417  
20 Joshua Y. Ang, Bar No. 14026  
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21 *Attorneys for Plaintiff*  
22 *Francis X. Dumont*

/s/ Deverie J. Christensen

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*Attorneys for Defendant*  
*Leo A. Daly Company*

23  
24 **ORDER**

25 IT IS SO ORDERED:

26   
27 United States District Judge/Magistrate

28 Dated: November 14, 2017

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/s/ Kelley Chandler  
Employee of Jackson Lewis P.C.

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